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*Bill Analysis*  
Legislative Service Commission

## **S.B. 71**

126th General Assembly  
(As Introduced)

**Sens. Wilson, Brady, Schuring, Clancy, Fingerhut, Zurz, Roberts, Carey, Fedor, Padgett, Miller, Niehaus**

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### **BILL SUMMARY**

- Permits school districts and nonpublic schools in certain areas flooded during the 2004-2005 school year to count time that schools are in session beyond the required minimum number of hours on or after February 1, 2005, in order to make up "calamity days" missed in excess of the number of days permitted by law and the number of days specified in their contingency plans.
- Declares an emergency.

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### **CONTENT AND OPERATION**

#### **Background**

Continuing law requires a minimum school year of 182 days, including a total of four days for teacher preparation and reporting and parent conferences. In addition, a school may be closed without penalty for up to five days for various specified public calamities, which include: (1) disease epidemic, (2) hazardous weather conditions, (3) inoperability of school buses or other necessary equipment, (4) damage to a school building, or (5) other temporary circumstances because of a utility failure that renders a building unfit for use.<sup>1</sup> A school might also, with the approval of the Department of Education, be operated on an alternative schedule with a minimum of 910 hours of classroom instruction in a school year.<sup>2</sup> Both school districts and chartered nonpublic schools are subject to

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<sup>1</sup> *R.C. 3313.48 and 3317.01 (neither section in the bill). In all, at least 173 days must be spent in classroom instruction.*

<sup>2</sup> *R.C. 3313.481, not in the bill.*

these requirements.<sup>3</sup> Each school district board of education also is required to adopt an annual contingency plan that specifies at least five additional days in its schedule to make up days a school is closed due to public calamities beyond the statutory maximum of five days. It is not clear whether nonpublic schools must adopt such contingency plans.<sup>4</sup> School funding law prohibits a school district (and presumably a nonpublic school) from receiving state funds in any fiscal year if it did not meet the minimum school year requirements for the preceding school year.<sup>5</sup>

### **The bill**

#### (Section 1)

The bill provides a *temporary* method for certain school districts and nonpublic schools to make up, without any funding penalty, excess days that schools were closed due to flooding during the 2004-2005 school year. Specifically, the bill applies to those districts and schools located in counties in which the flooding led the Governor to declare an emergency in the county or led the Governor or President to declare the county a disaster area.

To make up days missed beyond the five allotted calamity days plus the number of days specified in a school's contingency plan, the bill permits school districts and nonpublic schools to count time schools are open for instruction beginning February 1, 2005, beyond the statutory minimum number of hours

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<sup>3</sup> *School districts are explicitly required to comply with these provisions by statute, but nonpublic schools are required to do so by rule of the State Board of Education. Section 3301-35-12 of the Administrative Code provides that chartered nonpublic schools must either meet certain minimum education standards established by the State Board (including the minimum school year provision) or be accredited by an association the standards of which have been approved by the State Board. Community ("charter") schools are not subject to the 182-day requirement, but must offer learning opportunities to each enrolled student for at least 920 hours per year (see R.C. 3314.03(A)(11)(a), not in the bill).*

<sup>4</sup> *R.C. 3313.482(A), not in the bill.*

<sup>5</sup> *R.C. 3317.01, not in the bill. The Department of Education could revoke the charter of a nonpublic school that does not comply with the minimum school year provisions. In addition, chartered nonpublic schools receive state auxiliary services moneys transferred from school districts to provide specified instructional services to students enrolled in their schools, and receive state moneys to pay the cost of certain administrative duties relating to student record keeping. Presumably, a nonpublic school's noncompliance with any chartering provision would make it ineligible to receive either of these subsidies.*

required for a school day.<sup>6</sup> Under the bill, a public school is considered to have "made up" a day for each additional five hours its students in grades 1 through 6 are in attendance on and after February 1, 2005, and for each additional five and one-half hours its students in grades 7 through 12 are in attendance on and after February 1, 2005. A nonpublic school is considered to have "made up" a day for each additional five hours its students in grades 1 through 12 are in attendance on and after February 1, 2005.

In other words, in the case of a school district, five calamity days are excused by law, at least another five days would have to be made up according to the district contingency plan, and only those calamity days beyond that may be made up by adding time to the school day. If a district has ten or fewer calamity days, the bill's provisions would have no effect. Likewise, nonpublic schools have to use whatever number of days are designated in their contingency plans before making up days by adding time to school days.

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## HISTORY

| ACTION     | DATE     | JOURNAL ENTRY |
|------------|----------|---------------|
| Introduced | 02-17-05 | p. 184        |

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<sup>6</sup> *By rule of the State Board of Education, each school district school must be open for instruction five hours per day for grades 1 through 6 and five and one-half hours for grades 7 through 12. Nonpublic schools, also by rule of the State Board, must be open for instruction five hours per day for grades 1 through 12. (O.A.C. 3301-35-06, 3301-35-08, and 3301-35-12.)*